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DECLARATION AND POWER OF ATTORNEY - USA PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled LIPOOLIGOSACCHARIDE BASED VACCINE FOR PREVENTION OF MORAXELLA (BRANHAMELLA) CATARRHALIS INFECTIONS IN HUMANS; the specification of which is attached hereto;

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Serial No.: 60/071,483

Filing Date: **January 13, 1998**

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S.A. Application(s)

Application No.: **PCT/US99/00590** Filing Date: **January 12, 1999** Status: **pending**

POWER OF ATTORNEY: I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith (if this application is assigned, I acknowledge that the appointed individuals do not represent me, and that instead they represent the assignee): James C. Haight, 25,588; David R.

Sadowski, 32,808; Robert Benson, 33,612; Jack Spiegel, 34,477; Susan S. Rucker, 35,762; Stephen L. Finley, 36,357; Steven M. Ferguson, 38,448; Norbert Pontzer, 40,777; Richard U. Rodriguez, 45,980, and John P. Kim, 38,514, as principal attorneys.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: **XIN-XING GU**

Inventor's signature

Date

Oct. 11, 2000

Residence and Mailing Address: 1001 Rockville Pike, Apt. 121, Rockville, MD 20852

Citizenship: U.S.A.

Full name of SECOND inventor: **JOHN B. ROBBINS**

Inventor's signature

Date

Oct 16, 2000

Residence and Mailing Address: 3901 Rosemary Street, Chevy Chase, MD 20814

Citizenship: U.S.

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Copy

NIH142.001C1

PATENT

ASSIGNMENT

WHEREAS, we, Xin-Xing Gu, 1001 Rockville Pike, Apt. 121, Rockville, Maryland 20852; Citizenship: U.S.A. and John B. Robbins, 3901 Rosemary Street, Chevy Chase, Maryland 20814; Citizenship: U.S.A., employees of the Department of Health and Human Services, have invented LIPOOLIGOSACCHARIDE BASED VACCINES FOR PREVENTION OF MORAXELLA (BRANHAMELLA) CATARRHALIS INFECTIONS IN HUMANS, for which we have made application for Letters Patent of the United States 09/610,034, July 5, 2000, which claims the benefit of priority of PCT/US99/00590 filed January 12, 1999, which claims the benefit of priority of U.S. Patent Application No. 60/071,483 filed January 13, 1998;

WHEREAS, we are the applicants named in the above-identified application for Letters Patent;

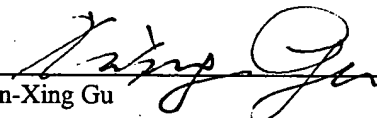
WHEREAS, the conditions under which said invention was made are such as to entitle the Government under Paragraph 1(a) of Executive Order 10096 to the entire right, title, and interest herein, both domestic and foreign; and

WHEREAS, the Government of the United States is desirous of acquiring all domestic and foreign right, title and interest in the above-mentioned invention described in the application for Letters Patent; and

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, we hereby assign and transfer to the United States of America, represented by the Secretary, Department of Health and Human Services, the full and exclusive rights in and to said invention in the U.S. and within each and every foreign country in which the Government elects to file and the entire right, title and interest in and to such applications, and any continuations, continuations-in-part, divisions, reissues or extensions thereof, and including priority rights as may be filed in the U.S. and foreign countries, and such Letters Patent as may be granted to be held by the Government to the end of the term for which the same would have been held by the inventors had this assignment not been made.

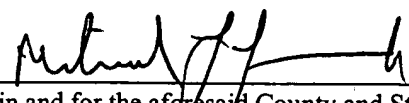
We further agree to make, execute and deliver to the Secretary, Department of Health and Human Services, upon request, any and all papers, documents, affidavits or other instruments that may be necessary in the prosecution of any application or applications for improvements or reissues of Letters Patent, and to assist the Government in every way as may be requested in protecting said invention, provided that any expense of extending such assistance shall be paid by the Government.

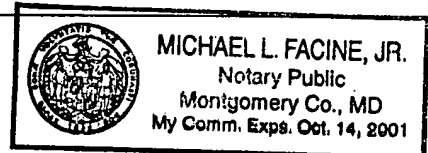
IN WITNESS WHEREOF, I hereunto set my hand and seal this 11 day of Oct., 2000


Xin-Xing Gu

STATE OF MD
COUNTY OF Mont.] ss.

On this 11th day of Oct., 2000, before me, a Notary Public in and for the State and County aforesaid, personally appeared Xin-Xing Gu, personally known to me or proven on the basis of satisfactory evidence to be the person of that name, who signed and sealed the foregoing instrument, and acknowledged the same to be his/her free act and deed.


Notary Public in and for the aforesaid County and State
My Commission Expires: _____



Client Code : NIH142.001C1
Serial No. : 09/610,034
Filing Date : July 5, 2000

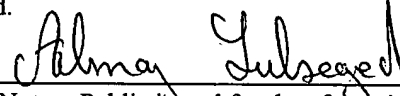
COPY

IN WITNESS WHEREOF, I hereunto set my hand and seal this 9 day of November, 2000


John B. Robbins

STATE OF MD]
COUNTY OF Montgomery] ss.

On this 9 day of November, 2000, before me, a Notary Public in and for the State and County aforesaid, personally appeared John B. Robbins, personally known to me or proven on the basis of satisfactory evidence to be the person of that name, who signed and sealed the foregoing instrument, and acknowledged the same to be his/her free act and deed.


Notary Public in and for the aforesaid County and State
My Commission Expires: _____

ALMAZ TULSEGED
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires March 5, 2002

IN WITNESS WHEREOF, I hereunto set my hand and seal this 9 day of November, 2000.

STATE OF _____]
COUNTY OF _____] ss.

On this _____ day of _____, 20____, before me, a Notary Public in and for the State and County aforesaid, personally appeared _____, personally known to me or proven on the basis of satisfactory evidence to be the person of that name, who signed and sealed the foregoing instrument, and acknowledged the same to be his/her free act and deed.

Notary Public in and for the aforesaid County and State
My Commission Expires: _____